

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

DEMITRI MONTEL PETTY

PLAINTIFF

v.

No. 4:19-cv-395-DPM-BD

RUSTY PAGE, Sergeant, Faulkner County  
Sheriff Office; and COLE MARCUM,  
Officer, Faulkner County Sherriff Office

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Deere's partial recommendation, *No* 4, and overrules Petty's objections, *No* 7. FED. R. CIV. P. 72(b)(3). Petty says that Page and Marcum abused a County policy when they allegedly violated his rights. But he hasn't alleged that the policy itself was unconstitutional or that it was the "moving force" behind his injury. *Burlison v. Springfield Public Schools*, 708 F.3d 1034, 1041 (8th Cir. 2013). Petty's official-capacity claims therefore fail and are dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

2 July 2019